1

Attorney Docket No.: 69273-0009 DIV

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Divisional of Application No.: 09/758,781 Confirmation No.: Not Yet Assigned

Applicant : Elliott FARBER Filed : March 30, 2004 TC/A.U. : Not Yet Assigned : Not Yet Assigned Examiner

: 69273-0009-DIV Docket No.

Customer No. : 24633

## MAIL STOP PATENT APPLICATION

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

# TRANSMITTAL FOR A NEW DIVISIONAL PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)

This is a request for filing a patent application under 37 C.F.R. §1.53(b) of:

Inventor: Elliott FARBER

For: ALLANTOIN-CONTAINING SKIN CREA	For:	HOT!	r·	Δ			Δ	N	ľľ	()	Ш	N.	.(	`(	חו	ľ	`Δ	10	J	N(	-	SI	ΚI	N	(')	₹Κ'	. Д
-------------------------------------	------	------	----	---	--	--	---	---	----	----	---	----	----	----	----	---	----	----	---	----	---	----	----	---	-----	-----	-----

- This is a new **Divisional** patent application. 1.
- 2. The papers enclosed to obtain a filing date are as follows:
  - Pages of Application including: 77
    - Pages of Disclosure 62
    - Pages of Claims (7 Total / 1 Independent) 14
    - Page of Abstract; and 1

3.	Decl	aration for Patent Application <b>OR</b> Combined Declaration and Power of Attorney
٥.		Enclosed and is newly executed by all inventors.
	$\boxtimes$	Enclosed in this continuation/divisional application and is a copy from a prior
		application (37 CFR § 1.63(d).
		Not Enclosed. This application is being filed under the provisions of 37 C.F.R.
		§1.53(f).
		Applicant(s) await notification from the Patent and Trademark Office of the time
		set for filing the Declaration and paying the filing fees.

4.	Langua	English Non-English This application is of the MPEP. Ap	oplicant(s) await	notification fror	37 C.F.R. §1.52(d) and §608.01 in the Patent and Trademark than the processing		
5.	Assign	An assignment of Recordation Form January 11, 2001	n Cover Sheet, wo on Reel/Frame (	vere recorded in 011465/0817. ed at a later date	ny, Inc., and a PTO Form-1595, the parent application on  Please recognize this entity		
6.	interna than th	tional applications	s under 35 U.S.C	. §365(a) design	d) or §365(b) or PCT nating at least one country other med:		
	Со	untry	Applica	tion No.	Filed		
	Certifi	ed copy: is att	ached.  will f	ollow.			
7.	Priority based on provisional application(s) - 35 U.S.C. §119(e)						
. 0.30	Be	nefit of the follow	ing U.S. provision	nal application(	s) is claimed:		
	Prov	visional Applicatio	on No.		Filed		
				_			

## 8. Priority based on the provisions of 35 U.S.C. §120

Non-Provisional Application No.	Filed
09/758,781	January 11, 2001
09/570,266	May 12, 2000
09/360,095	July 23, 1999

## 9. Preliminary Amendment

Amend the specification by replacing the first paragraph with the following:

This application is a division of co-pending application number 09/578,781, filed January 11, 2001, entitled "Allantoin-Contining Skin Cream," which is a continuation-in-part application of application serial number 09/570,266 filed May 12, 2000, entitled "Allantoin-Containing Skin Cream," which in turn is a continuation-in-part application of application serial number 09/360,095, filed July 23, 1999, entitled "Oil-in-Water Emulsion With Improved Stability."

# 10. Small entity status

Small entity status under 37 C.F.R. §1.27 is claimed for this application.

#### 11. Fee Calculation (37 C.F.R. § 1.16)

	CLAIMS F	OR FEE CALCUI	L <b>AT</b>	ION		
	Number Filed Number Extra at Rate of					asic Fee ty \$770.00
Total Claims (37 C.F.R. §1.16(c))	7 - 20 =	0	\$	18.00 each=	+	0.00
Independent Claims (37 C.F.R. §1.16(b))	1 - 3 =	0	\$	84.00 each=	+	0.00
Multiple dependent clai	+	0.00				
			S	UB-TOTAL =	\$	770.00
Reduction by 1/2 for filing by a small entity						385.00
TOTAL FILING FEE =						385.00

12.	Fee Pa	ayment
		NOT ENCLOSED. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.  This application is being filed under the provisions of 37 C.F.R. §1.53(f).  Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
	$\boxtimes$	A check in the amount of \$385.00 is enclosed for the filing fees.
13.		Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. §1.136(a)(3).
14.	Addit	ional papers enclosed:
		Nonpublication Request pursuant to 37 CFR § 1.213 Combined Power of Attorney by Assignee and Certificate under 37 CFR § 3.73(b) Change of Correspondence Address Preliminary Amendment Information Disclosure Statement Form PTO- 1449, documents as listed Declaration of Biological Deposit Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

# Please accord this application an application number and filing date.

Respectfully submitted,

**HOGAN & HARTSON LLP** 

Dated: March 30, 2004

**HOGAN & HARTSON LLP** 555 13<sup>th</sup> Street, N.W. Washington, D.C. 20004

(202) 637-5703 e-mail: cjcrowson@hhlaw.com

Customer No. 24633

By: Celine Jimenez Crowson
Registration No. 40,357

Ajit J. Vaidya

Registration No. 43,214

William T. Slaven IV Registration No. 52,228